UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,309	09/23/2003	Siu H. Lam	1020.P16535	4677

57035   7590   09/15/2008
KACVINSKY LLC
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS, MN 55402

EXAMINER
TO, JENNIFER N

ART UNIT	PAPER NUMBER
2195	

MAIL DATE	DELIVERY MODE
09/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 June 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,4-10,13,14,16 and 18-21_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,4-10,13,14,16 and 18-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 4-10, 13-14, 16, and 18-21 are pending for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1, 13, and 16 are rejected under 35 U.S.C. 102(b) as being

anticipated by Sinibaldi et al. (hereafter Sinibaldi) (U.S. Patent No. 6338130).

4.   As per claim 1, Sinibaldi teaches the invention as claim including a

method to assign tasks (abstract), comprising:

receiving a request to execute a task on one of a plurality of processors

(abstract, lines 4-6);

determining a task type for said task (col. 12, line 49 through col. 13, line

17);

retrieving a processor task value of said task type for each processor, said

processor task value representing a number of other task types affected by

assigning said task to a processor (col. 12, line 55 through col. 13, line 27; col.

17, line 64 through col. 18, line 40);

selecting a processor from said plurality of processors based on said

processor task values (abstract; col. 13, lines 19-27);

assigning said task to said selected processor (abstract; col. 13, lines 30-

32); and

updating said processor task values for each task type and each

processor (abstract; col. 13, lines 32-50).

5.   As per claim 13, it is rejected for the same reason as claim 1 above. In

addition, Sinibaldi teaches an array of processors (fig. 2), and a scheduler (col.

12, lines 53-55).

6.   As per claim 16, it is rejected for the same reason as claim 1 above.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

8.   Claims 9, 14, and 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sinibaldi et al. (hereafter Sinibaldi) (U.S. Patent No. 6338130),

as applied in claims 1 and 13 above, and in view of of Goyal (U.S. Patent No.

6711607).

9.   Goyal was cited in the previous office action.

10.   As per claim 9, Sininbaldi teaches the invention substantially as claimed in

claim 1 above including comparing said processor task values for said processor

(col. 18, lines 2-10).

11.   Sinibaldi did not specifically teach selecting a processor having a highest

processor task value.

12.   However, Goyal teaches selecting a processor having a highest processor

task value (col. 6, lines 45-50; col. 7, lines 1-50).

13.   It would have been obvious to one of an ordinary skill in the art at the time

the invention was made to have combined the teaching of Sinibaldi and Goyal

because Goyal teaching of utilizing a processor task value represents a number

of other task types affected by assigning said task to a processor to select a

processor to process task will improved the integrity of Sinibaldi's system by

guarantees a quality of service to various task streams being served by multiple

processors (Goyal, col. 2, lines 24-27).

14.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Sinibaldi et al. (hereafter Sinibaldi) (U.S. Patent No. 6338130), and in view of

Hsu (U.S. Patent No. 6104721).

15.   Hsu was cited in the previous office action.

16.   As per claim 10, Sinibaldi teaches the invention substantially as claim

including a system comprising:

an array of processors, and a task scheduler (fig. 2; col. 12, lines 53-55);

and

wherein said task scheduler receives a request to execute a task by one

of said array of processors, assigns said task to a processor based on a

processor task value, said processor task value representing a number of other

task types affected by assigning said task to said processor, and updates said

processor task values for each task type and each processor (col. 12, line 55

through col. 13, line 40).

17.   Sinibaldi did not specifically teach a call terminal to originate information, a

first antenna to couple to said call terminal to send said information over a

communications channel, a second antenna to receive said information over said

communications channel, a gateway to couple to said second antenna and

process said information using a processing module.

18.   However, Hsu teaches teach a call terminal to originate information

(abstract), a first antenna to couple to said call terminal to send said information

over a communications channel (fig. 1; col. 4, line 60 through col. 5, line 47), a

second antenna to receive said information over said communications channel

(fig. 1; col. 4, line 60 through col. 5, line 47), a gateway to couple to said second antenna and process said information using a processing module (col. 2, lines 37-42).

19.   It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Sinibaldi and Hsu because Hsu teaching of a call terminal to originate information, a first antenna to couple to said call terminal to send said information over a communications channel, a second antenna to receive said information over said communications channel, a gateway to couple to said second antenna and process said information using a processing module would improved the integrity of Sinibaldi's by providing a communication services between an information handling system and multiple equipped user terminals (Hsu, col. 1, lines 7-9).

Allowable Subject Matter

20.   Claims 4-8, and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

21.   Applicant's arguments with respect to claims 1, 4-10, 13-14, 16, and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

22.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to JENNIFER N. TO whose telephone number is

(571)272-7212. The examiner can normally be reached on M-T 6AM- 3:30 PM,

F 6AM- 2:30 PM. If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)

272-3756. The fax phone number for the organization where this application or

proceeding is assigned is 571-273-8300.

23.   Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/   Jennifer N. To
Supervisory Patent Examiner, Art Unit 2195   Patent Examiner
                                                          AU 2195